

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RECEIPT # _____
AMOUNT \$ 2.00
SUMMONS ISSUED 1-1
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. JS
DATE 4-28-05

GRANT BOYD,

Plaintiff,

v.

MIKE AUSTIN,

Plymouth County Sheriff's Department, et al.,

Defendants.

CIVIL ACTION
NO.

NOTICE OF REMOVAL

MAGISTRATE JUDGE Bowler

The Defendant, United States Marshals Service, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby gives notice pursuant to 28 U.S.C. § 1446(a) of its removal of this lawsuit to the United States District Court for the District of Massachusetts.

Removal of this action is proper pursuant to 28 U.S.C. § 1441(a)¹.

The defendant has attached copies of all state court pleadings received to date to this Notice. The defendant is not aware of any other Notice of Removal of this action.

¹ Section 1441(a) states (in relevant part): "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant."

WHEREFORE, the defendant request that this action be entered upon the docket of this Court and, upon filing a copy of this Notice with the Clerk of the Plymouth County Superior Court, that the Superior Court shall proceed no further.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

Eugenia M. Carris
Assistant U.S. Attorney
U. S. Attorney's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3282

CERTIFICATE OF SERVICE

I hereby certify that on this day, I gave notice of the filing of the foregoing by mailing a copy of same, postage prepaid, first-class mail on this 28th day of April, 2005 to:

Grant Boyd, pro se,
P. O. Box 180278, Boston, MA 02118-0278

Plymouth County Sheriff's Department Headquarters,
24 Long Pond Road, Plymouth, MA 02360

Commonwealth of Massachusetts, Department of Correction Headquarters,
50 Maple Street, Suite 3, Milford, MA 01757.

Eugenia M. Carris

Dated: April 28, 2005

Commonwealth of Massachusetts

Plymouth County, SS

Superior Court

Docket No. PLCV2005-00310

Boyd
Plaintiff

v.

Mikie Austin, John Doe(1),
Cathy Lynch, Thomas Hannon,
John Doe(2), Michael Neri, Brian Gillen,
John Doe(3), Joseph McDonald,
Edward O'Donnell, Rhiane Kohl,
Kathleen Derwuchy, John Doe(4)
Anthony Dicheo
Defendants


Notice to Defendants

You are named as a Defendant in the
above Civil Action. Enclosed you will find

- 1) Summons
- 2) 14 Page Complaint Amended 3/29/05
- 3) Motion For Transfer
- 4) 3 Page Affidavit in Support of
Motion to Transfer
- 5) Motion to Seal Records

Please Note the Below ADDRESS AS the
ADDRESS UPON Which to SERVE NOTICES ON
the PLAINTIFF.

Respectfully Submitted

 3/30/05

Grant Boyd, Pro-se

PO Box 180278

Boston ma 02118-0278

PLYMOUTH, ss.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT OF
THE TRIAL COURT OF THE
COMMONWEALTH
CIVIL ACTION NO. PLCV 2005-00310-E

Grant Bayo, Plaintiff(s)

vs.

Anthony Dicho, Defendant(s)

Grant Bayo
PO Box 180278
Boston ma 02118-0278

SUMMONS

To the above-named defendant:

You are hereby summoned and required to serve upon Grant Bayo plaintiff attorney, whose address is 26 Longfellow St., At. Plymouth, MA 02360, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Plymouth either before service upon plaintiff attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse Esquire, at Plymouth the day of

....., in the year of our Lord Two thousand and

Frank R. Farias
CLERK

NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. To the plaintiff's attorney: please circle type of action involved-Tort-Motor Vehicle Tort-Contract-Equitable Relief-Other.

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on 4/2/05, 200, I served a copy of the within summons together with a copy with a copy of the complaint in this action, upon the within-named defendant, in the following manner(See Mass. R. Civ. P. 4(d)(1-5):.....

Certified Return Receipt # 70042892000209706349

Dated:

, 200

Grant Bayo Pro-ss

N.B. TO PROCESS SERVICE

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

U.S. MARSHALS SERVICE

200

05 APR 11 PM 2:17

RECEIVED
GENERAL COUNSEL

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's office at Plymouth.

PLYMOUTH, ss.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT OF
THE TRIAL COURT OF THE
COMMONWEALTH
CIVIL ACTION NO.

Grant Boyo

Plaintiff(s)

vs.

John Doe (4)

Defendant(s)

PLCV2005-00310-B

Grant Boyo

PO Box 180278

Boston ma 02118-0278

SUMMONS

To the above-named defendant:

You are hereby summoned and required to serve upon Grant Boyo plaintiff attorney, whose address is 26 Longwood Rd., Apt. 2, Plymouth, MA 02548 an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Plymouth either before service upon plaintiff attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse Esquire, at Plymouth the day of

....., in the year of our Lord Two thousand and

Barbara J. Rouse
CLERK

NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. To the plaintiff's attorney: please circle type of action involved-Tort-Motor Vehicle Tort-Contract-Equitable Relief-Other

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on 4/2/05, 200, I served a copy of the within summons together with a copy with a copy of the complaint in this action, upon the within-named defendant, in the following manner(See Mass. R. Civ. P. 4(d)(1-5):

CERTIFIED Return Receipt # 70042890000209706356 MAILED to
GENERAL COUNSEL - U.S. MARSHAL SERVICE CS-3 12th Floor Washington

Dated: _____, 200 Grant Boyo per SE

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

200

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's office at Plymouth.

Commonwealth of Massachusetts

Plymouth County, S.S.

Superior Court Department
Docket PLCV2005-00310

Grant Boyo
Plaintiff

v.

Mike Austin, John Doe(1),
Cathy Lynch, Thomas Hannon,
John Doe(3), Joseph McDonald,
John Doe(2), Michael Neri,
Brian Gilen, Edward O'Donnell
Rhiane Kohl, Kathleen Dennehy,
John Doe(4), Anthony Dichio
Defendants

Complaint

- 1) Plaintiff Grant Boyo, a resident of Boston, Suffolk County Commonwealth of Massachusetts AND WAS HOUSED at Plymouth County Correctional from 1/3/05 through 3/22/05
- 2) The DEFENDANTS Listed in item 2 are all Employed by Plymouth County Sheriff Department
 - a) Mike Austin
 - b) John Doe(1) known as Richard Cardinal
 - c) Cathy Lynch

2) cont.

- d) Thomas Hannon
- e) John Doe(2) ADS Classification
- f) MICHAEL Neri
- g) BRIAN Gilen
- h) John Doe(3) known AS mr moniz
- i) JOSEPH McDONALD

Plymouth County, Commonwealth of MASSACHUSETTS

3) The Following DEFENDANTS ARE ALL
Employed by the Commonwealth of
MASSACHUSETTS, Department of Corrections

- a) EDWARD O'DONNELL Works in Bridgewater
MASSACHUSETTS
- b) Rhiana Kohl Works in West Concord
MASSACHUSETTS
- c) KATHLEEN Deunehy Works in Milford
MASSACHUSETTS

4) The Following DEFENDANTS ARE ALL
Employed by the UNITED STATES
GOVERNMENT, US MARSHALS SERVICE.

- a) John Doe(4) address unknown
- b) Anthony Dichio Works in Boston
MASSACHUSETTS

FACTS

- 5) PLAINTIFF WAS ADMITTED to Plymouth County Correctional (PCCF) ON JANUARY 3, 2005 AND PLACED INTO Administrative Segregation.
- 6) Met with Mike Austin, Case Worker Assigned to Work with A-1 the Protective Custody (PC) Unit ON JANUARY 6, 2005 AND PLAINTIFF WAS ASSIGNED to PC Unit. PLAINTIFF WAS told he had no choice.
- 7) PCCF INMATE Handbook STATES refusing a housing Assignment is A MAJOR DISCIPLINARY OFFENCE.
- 8) REQUESTED ACCESS to the Law Library JANUARY 10, 2005. Mike Austin SAID I WAS NOT ALLOWED to go BASED ON My CLASSIFICATION to P.C.
- 9) MADE My FIRST WRITTEN REQUEST to meet with the ATTORNEY FROM INMATE LEGAL SERVICES, Thomas Hannon. A Reply WAS NEVER RECEIVED. THIS OCCURED JANUARY 10, 2005.

- 10) From JANUARY 10, 2005 through MARCH 21, 2005 I MADE 5 REQUESTS to see THOMAS HANNON. NO Reply WAS RECEIVED
- 11) OVER the PAST 60 DAYS I HAVE MADE 6 WRITTEN REQUESTS to ACCESS the LAW LIBRARY ON REQUEST SLIPS, GRIEVANCE FORMS, OR in letters to BRIAN GILLEN. The only TWO (2) replies I RECEIVED WERE in MARCH both DENIED my ACCESS REQUEST STATING my CLASSIFICATION in PC. WAS the REASON I COULD NOT go "SECURITY." Replies WERE FROM CAPTAIN CARDINAL AND MICHAEL NERI
- 12) AFTER Mike Austin denied my request to ACCESS the LIBRARY ON JANUARY 10, 2005 he INFORMED me to WRITE A REQUEST SLIP to legal SERVICES AND they WILL PROCESS my request and SEND MATERIALS Down WITHIN TWO DAYS.
- 13) ON JANUARY 14, 2005 I TOLD Mike Austin that there WERE NO legal MATERIALS on Block (A-1) From where to START my RESEARCH, he told me to START with A "STATUTE" AND MADE A REQUEST to legal SERVICES to SEND ME "BUSTED by the FEDS." I NOW know why the "EXACT-CITE" SYSTEM WAS CONDEMNED by the Supreme Court in 1979. EVEN PERSONS TRAINED in the LAW CAN NOT

PREPARE FOR A CASE USING ONLY THE "EXACT-CITE" SYSTEM.

- 14) BEING FORCED TO USE AN ACCESS SYSTEM THAT PROVIDED NO MEANINGFUL ACCESS WAS DIFFICULT! CATHY LYNCH AND/OR ASSISTANTS IN LEGAL SERVICES ON 16 OCCASIONS REFUSED TO SEND ME A SPECIFIC CASE CITE STATING ONLY "TOO MANY PAGES" AND NO CASE! ON 23 OCCASIONS MY REQUEST CAME BACK WITH "CHECK CITE," HOW? THESE RESPONSES TO MY REQUESTS, CAUSES A TOTAL BREAKDOWN IN THE ONLY SYSTEM OF ACCESS I HAVE, IN EFFECT BARRING ANY ACCESS AT ALL.
- 15) PCCF Policy allows only "5 inches" OF legal MATERIAL PER INMATE. A TOTALLY INADEQUATE AMOUNT FOR ANY MEANINGFUL ~~ACCESS~~ RESEARCH IF YOU ARE ONLY PROVIDED PAPER COPIES AND NO COMPUTER ACCESS.
- 16) WHEN I FOLLOWED POLICY AND DISCARDED MATERIALS, I WAS DENIED FROM REQUESTING THEM AGAIN FROM LEGAL SERVICES.
- 17) ACCORDING TO PCCF POLICY, GENERAL POPULATION INMATES, NOT HOUSED IN P.C., HAVE ACCESS TO LEGAL

SERVICES, FACILITIES, LAW LIBRARY, ATTORNEY AND STAFF, COMPUTERS AND BOOKS, AS WELL AS COMPUTERS AND EQUIPMENT IN THE PCCF EDUCATION ROOM. HOWEVER, P.C. INMATES HAVE NO ACCESS TO ANY OF THE ABOVE, OUTSIDE OF THE "EXACT-CITE SYSTEM." THIS VIOLATES FEDERAL AND STATE LAWS, AS WELL AS PCCF POLICIES.

18 My Access to the Law Library AND Legal SERVICES WAS DENIED BY MY CLASSIFICATION TO P.C. PROTECTIVE CUSTODY IS SO RESTRICTIVE ON INMATES HOUSED AND CLASSIFIED THERE THE STATE SET POLICIES TO PROTECT THE DUE PROCESS RIGHTS OF ANY INMATE ASSIGNED TO P.C. THE 103CMR IN § 926.⁰³~~04~~(4) AND PCCF POLICY NO. 421 § 6(A) BOTH REQUIRE A "REVIEW OF EACH INMATE ASSIGNED TO P.C. EVERY 7 DAYS FOR THE FIRST TWO (2) MONTHS AND AT LEAST EVERY THIRTY (30) DAYS THEREAFTER."

19 ACCORDING TO MIKE AUSTIN IN A MARCH 10, 2005 CONVERSATION "REVIEW MEETINGS ARE NOT CONDUCTED" WE WERE DISCUSSING THOSE MEETINGS ~~denied~~ DENIED IN ITEM 18.

- 20) On March 11, 2005 Mike Austin provided me a "Complete" copy of "Everything" in my Case File, which confirms no meetings took place regarding my Classification after the first in early January. My File was Sealed and Witnessed after I received it from Mike Austin.
- 21) On March 22, 2005 at 4 AM the Defendants moved me to a Level 6 Max Security isolation cell at Walpole without access to my Lawyer and Denied my HIV Medication. I remained there for 3 nights in a ~~cell~~ 105 Degree Cell. 10 Days later I ~~can't~~ still can't call my Lawyer for my main Criminal Case. This move took place just 13 hours after Sheriff McDonald would have received my Presettlement letter, that he was sent.
- 22) I have ~~exhausted~~ exhausted every grievance Procedure provided to PCCF inmates, as outlined in the inmate Handbook. I added steps above what is outlined and sent letters ~~and~~ to Brian Gillen and Joseph McDonald detailing the violations citing Policy & AND Laws to back up my claims, No Relief was provided.

CLAIMS FOR RELIEF

- 23) Each Defendant is being sued in their individual capacity for acting under color of State, Where through direct AND/OR indirect actions AND/OR inactions, negligence AND/OR omissions of the duties of their office, allowed violations of State and Federal laws, the Policy and Procedures mandated under the Massachusetts Code of Regulations and/or Plymouth County Sheriff's Department directives to occur against the Plaintiff who, they had accepted custody of AND Caretaker from the U.S. Federal Court, Furthermore because a State can not avoid its obligations under the law by Contracting with third parties to house inmates AND Where Defendants had direct Supervisory Control over subordinates, Control over Annual reviews and Facility Accreditation and Significant Control over Funding, the Defendants had the Authority to Stop AND therefore Should be held responsible for the violations that occurred.
- 24) By accepting their respective office the Defendants agreed to fulfill all the obligations and responsibilities as ~~mandated~~ mandated under law, regulations and Policy for their respective office AND EACH had

YEARS OF EXPERIENCE WORKING UNDER 103 CMR AND/OR Plymouth County Sheriff's Department Policy AND PROCEDURES, THEREFOR SHOULD ~~BE~~ HAVE HAD KNOWLEDGE OF WHAT WAS MANDATED IN THEIR SENIOR ADMINISTRATIVE ROLES, ADDITIONALLY THE DEFENDANTS IN ITEM 2 WERE INFORMED BY ME IN WRITING THAT THEIR PROCEDURES WERE IN VIOLATION OF FEDERAL AND STATE LAW, ~~AND~~ CMR AND PCCF Policy WHERE I GAVE THEM SPECIFIC CITES TO BACK UP MY CLAIM.

25) I HAVE RECEIVED TWO JUDGEMENTS AGAINST ME FROM TWO DIFFERENT TRIAL COURTS IN THE COMMONWEALTH WHILE I HAVE BEEN AT PLYMOUTH AND HAVE PREPARED MOTIONS AND BRIEFS THAT HAVE BEEN INCOMPLETE, FURTHERMORE BEING IN PRE-TRIAL AND NOT HAVING ACCESS TO MY LAWYER WHILE AT WALPOLE, ~~THE~~ ^{AGGREGATE} ~~STATE~~ TO THE DEFENDANTS VIOLATIONS OF MY RIGHTS UNDER LAW AND Policy.

26) IT IS FOR THE ABOVE REASONS I ASK THE COURT TO CONSIDER THE FOLLOWING JUDGEMENTS AGAINST ~~THE~~ THE DEFENDANTS.

Demand For Immediate Relief

27) I MOVE THE COURT TO IMMEDIATELY ORDER THE DEFENDANTS TO FIGHT THIS CLAIM USING
(9 of 14)

a person not trained in the LAW, who DOES NOT get ASSISTANCE from persons trained in the LAW and who can only prepare by using the "EXACT-CITE" System found in practice at PCCF Unit A-1, Protective Custody. IF it is ^{AS} MEANINGFUL AND ~~AS~~ ADEQUATE AS they will claim let them use it.

28) I move the Court to require PCCF to immediately institute a Schedule that allows P.C. inmates equal access to the law library AND educational equipment for legal use; AND/OR provide a complete list of all library holdings available for review in UNIT A-1 and two computers in UNIT A-1 to allow P.C. inmates access to Westlaw holdings and prepare legal documents.

29) Recommend to the Department of Justice an immediate investigation under 42 U.S.C. § 14141 into official misconduct leading to violations of PLAINTIFFS rights AND those of all PCCF P.C. inmates.

30) Require the Department of Corrections and U.S. Marshals & Service to conduct an UNANNOUNCED compliance review to ~~include~~ include interviews with each PC inmate by a committee which

MUST include at least one Medical Doctor or Nurse Practitioner And a Psychiatric Professional.

- 31) Require PCCF to hire for Two (2) Months an Attorney Skilled in Criminal defence research and I.U.S. regulations to work with P.C. inmates to overcome injuries aggravated by the Defendants.
- 32) If the Plaintiff is Still Waiting trial, to require the U.S. Marshals Service to Transfer to Dedham Jail the Plaintiff Upon the termination of this case.

AWARD Compensatory Damages

- 33) \$ 20,000 jointly and ~~se~~ severally against the defendants listed in items 2 through 4.

PUNITIVE DAMAGES DEMANDS

- 34) \$ 100,000 Against Defendant Mike Austin for violations of My 14th Amendment due process rights, CME AND PCCF Policy AS CLAIMED in item 18 and 19.

35 \$ 500,000 AGAINST ^{EACH} DEFENDANTS CATHY LYNCH AND THOMAS HANNON for being responsible for Legal Services and Willfully failing to provide those services ~~and~~ mandated under Plymouth County Sheriff's Department Policy in systematic violation of the CMR, State Law AND PLAINTIFFS Constitutionally protected right to access the courts as claimed in items 9, 10, 11, 12, 13, 14, 16 AND 17

36 \$ 500,000 AGAINST EACH DEFENDANT LISTED IN ITEM 2 (b)(e)(f)(g) and (h) through Direct actions and/or inactions, negligence and/or omissions did knowingly allow the above violations to occur and continue through decisions made in their Supervisory role with the knowledge that they were systematically violating inmate rights under Federal and State Law and/or that they allowed these violations to continue after receiving CMR, State AND FEDERAL regulations outlining specifically where ~~there~~ their procedures were in violation, furthermore the Defendants decisions enforced a procedure in violation of Policy, a procedure the Supreme Court ruled "NO REASONABLE OFFICIAL WOULD BELIEVE PROTECTED AN INMATES ACCESS right" as charged in items 8, 9, 10, 11, 13, 14, 15, 17, 18 AND

furthermore their decisions denied PLAINTIFF due process as charged in items: 6, 7, 18, 19, 20, and 21 resulting in violations of PLAINTIFF rights under FEDERAL AND STATE LAW, AND CMR AND PCCF Policy. Additionally Defendants violated PCCF Policy relating to reprisals and penalties against inmates who file judicial grievances, whereby violating my 8th Amendment right and further aggravating the ACCESS ISSUES UNDER the First, Sixth and ~~For~~ Fourteenth Amendments to the US Constitution.

37) \$ 250,000 Against JOSEPH McDONALD for having knowledge of the violations and allowing them to continue through negligence and/or omissions of the DUTIES of his OFFICE where he retained full responsibility and authority over Policy AND Procedures and/or the Actions and/or inactions of Direct Subordinates, thereby making him responsible UNDER Supervisory Liability.


38) \$ 100,000 Against EACH DEFENDANT LISTED in item 3 for being MANDATED UNDER MGL AND CMR to ensure PCCF complies with Policy AND Procedures established by LAW, and through negligence and/or omissions, direct Action and/or inaction FAILED to ensure, AS MANDATED

Department of Corrections employees enforce compliance, where the DOC Defendants retained Supervisory Control over Subordinates, Control over Annual Facility Reviews and Accreditation with Significant Control over State Funding, whereby allowing the above violations to occur.

39) \$250,000 Against Each Defendant Listed in Item 4 for being charged by a Federal Court to protect and care for Federal Detainees in their care, whereby being responsible for any violations of Federal Law committed by a Third Party Vendor who under contract houses and provides services to Detainees, whereby the Defendants retained Significant Control over Funding, Contract Compliance and Annual Reviews.

40) The Plaintiff demands Additional Judgements Against Defendants as the Court Deems Just.

Respectfully Submitted

 3/30/05

Grant A. Boyd, POSE

PO Box 180278

Boston MA 02118-0278

(14 of 14)

COMMONWEALTH OF MASSACHUSETTS
County of Plymouth
The Superior Court

RE: Boyo v. Austwaite et al

Civil Docket: PLCV-2005-0031

Motion to transfer PLAINTIFF

The PLAINTIFF MOVES the Court to ORDER The DEFENDANTS to TRANSFER PLAINTIFF Back to Plymouth County Correctional Facility, Unit A-1, Bunk 23 from where he was removed in Violation of PCCF Policy No. 490 § 2 Which STATES " INMATES Seeking Judicial or Administrative redress will NOT be Subjected to reprisals or penalties as a consequence."

SEE ATTACHED AFFIDAVIT

Respectfully Submitted



3/30/05

GRANT A. BOYO A93192

MCI-WALPOLE Block 4

PO Box 100

S. WALPOLE Ma 02071

AFFIDAVIT For motion to TRANSFER DATED
3/30/05, Boyd V. Austin et AL Civil
DOCKET PLCV2005-00310

- 1) ON ^{SUNDAY} 3/20 PLACED THIRD NOTICE IN
MAIL to Sheriff JOSEPH McDONALD, INTER
OFFICE, INFORMING him ^{that time} I HAD FILED
A LAW SUIT AGAINST him, his EMPLOYEES
AND TWO PLYMOUTH COUNTY Sheriff DEPT.
CLIENTS, the DEPARTMENT of CORRECTIONS
AND U.S. MARSHAL SERVICE EMPLOYEES,
ASKING Sheriff McDONALD to meet
WITH me to Find a Solution other
than Sending SUMMONS AND going to
Court. A PRESSETTLEMENT letter ASKING
FOR A meeting.
- 2) AT About 9:00 A.M ON 3/21 Monday
MAJOR RAMOS CAME to meet WITH me
REGARDING a medically ORDERED DIET
GRIEVANCE I FILED. AT 11:30 AM
ON 3/21 He came back INTO the Block
AND told me I WAS getting the
CORRECT AMT. OF CALORIES.
- 3) AT 4 AM TUESDAY morning
3/22 I WAS MOVED FROM my
BOOK IN PROTECTIVE Custody
(1 of 3)

to A 105 DEGREE ISOLATION CELL
 AT WAIPOLE DENIED MY REQUIRED
 HIV MEDICATION AND ACCESS TO
 MY LAWYER. I REMAINED IN
 ISOLATION FOR 3 NIGHTS, NO ONE
 COULD TELL ME WHY I WAS THERE
 NO ONE COULD GET ME OUT. A
 GUARD TOLD A NURSE "THE DEPUTY
 IS CONTROLLING HIS MOVEMENT." ~~IT~~
~~WAS NOT~~ ~~THE~~ I HAD NO PHONE
 ACCESS TO CALL MY LAWYER
 FOR 10 DAYS, I WAS UNABLE
 TO TELL ANYONE WHERE I WAS.

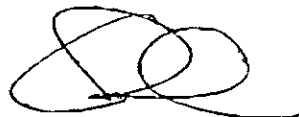
4) ON 3/25 SIGNED INTO GENERAL
 POPULATION AND OUT OF ISOLATION
 TO GAIN ACCESS TO A PHONE, THAT
 WAS NOT GOING TO WORK FOR 6
 MORE DAYS. NOW INSTEAD OF
 BEING SAFE IN PROTECTIVE CUSTODY
 AT PLYMOUTH I WAS IN
 GENERAL POPULATION AT WAIPOLE

5) ALL THIS OCCURRED 13 HOURS
 AFTER SHERIFF JOSEPH
 McDONALD RECEIVED MY PRESETTLEMENT

LETTER.

- 6) ON 2/24 BRIAN GILLEN, SUPER-
intendent at PCCF, gave me A COPY
OF PCCF Policy No. 490 "Legal
Rights" ~~init~~ in it CONTAINED § 2
WHICH STATES "NO redress will be
Subjected to reprisals or Penalties."
- 7) I Lost my legal RESEARCH, ACCESS
to my ATTORNEY, ACCESS to my
MEDICATION AND ALL PERSONAL
belonging PURCHASED AT PCCF.
THAT IS ~~EXCESSIVE~~ EXCESSIVE
PENALTIES AND REPRISAL FOR
Filing AND Following GRIEVANCE
PROCEDURES AND Being FORCED
to SEEK JUDICIAL redress FOR
Violations OF my Rights UNDER
Plymouth County Policy, STATE AND
FEDERAL LAWS.

UNDER PAIN OF Perjury I SWARE the
ABOVE IS TRUE AND COMPLETE to the Best
OF my memory.



3/29/05

Grant Boyd, Pro-se A93192
PO Box 100

(3 of 3) S. WALPOLE, MA 02071

Commonwealth of Massachusetts

Plymouth, S.S.

Superior Court Department

Civil Action No:

PLCV 2005-00310

Boyd


v

Austin et al

Motion For Temporary Restraining Order

Being that INMATE Legal SERVICES has
ACCESS to ALL CITES USED in PREPARING
for this COMPLAINT, I move The
Court to ORDER DEFENDANTS to
SEAL ALL RECORDS RELATING to SPECIFIC
CASE CITES.

Respectfully Submitted



3/30/05

Grant Boyd, Pro-Se

PO Box 180278

Boston ma 02118-0278

Commonwealth of Massachusetts
SUPERIOR COURT
Case Summary
Civil Docket

Boyd v Austin et al

Details for Docket: PLCV2005-00310

Case Information

Docket Number:	PLCV2005-00310	Caption:	Boyd v Austin et al
Filing Date:	03/16/2005	Case Status:	Needs review for service
Status Date:	03/16/2005	Session:	Civil B - CtRm 1 (Plymouth)
Lead Case:	NA	Case Type:	Standard

Tracking Deadlines

TRK:	X	Discovery:	
Service Date:	06/14/2005	Disposition:	10/12/2005
Rule 15:		Rule 12/19/20:	
Final PTC:	09/12/2005	Rule 56:	
Answer Date:	08/13/2005	Jury Trial:	NO

Case Information

Docket Number:	PLCV2005-00310	Caption:	Boyd v Austin et al
Filing Date:	03/16/2005	Case Status:	Needs review for service
Status Date:	03/16/2005	Session:	Civil B - CtRm 1 (Plymouth)
Lead Case:	NA	Case Type:	Miscellaneous

Tracking Deadlines

TRK:	X	Discovery:	
Service Date:	06/14/2005	Disposition:	10/12/2005
Rule 15:		Rule 12/19/20:	
Final PTC:	09/12/2005	Rule 56:	
Answer Date:	08/13/2005	Jury Trial:	NO

Parties Involved

15 Parties Involved in Docket: PLCV2005-00310

Party Involved:		Role:	Defendant
Last Name:	Austin	First Name:	Mike
Address:		Address:	
City:		State:	

Zip Code:**Zip Ext:****Telephone:****Party
Involved:****Role:** Defendant**Last Name:** Dennehy**First Name:** Kathleen**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party
Involved:****Role:** Defendant**Last Name:** Dichio**First Name:** Anthony**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party
Involved:****Role:** Defendant**Last Name:** Doe #1**First Name:** John**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party
Involved:****Role:** Defendant**Last Name:** Doe #2**First Name:** John**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party
Involved:****Role:** Defendant**Last Name:** Doe #3**First Name:** John**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:**

Party Involved:		Role:	Defendant
Last Name:	Doe #4	First Name:	John
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	Doe #5	First Name:	John
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	Gillen	First Name:	Brian
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	Kohl	First Name:	Rhiana
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	Lynch	First Name:	Cathy
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	MacDonald	First Name:	Joseph

Address:**City:****Zip Code:****Telephone:****Address:****State:****Zip Ext:****Party
Involved:****Last Name:** Neri**Address:****City:****Zip Code:****Telephone:****Role:** Defendant**First Name:** Michael**Address:****State:****Zip Ext:****Party
Involved:****Last Name:** O'Donnell**Address:****City:****Zip Code:****Telephone:****Role:** Defendant**First Name:** Edward**Address:****State:****Zip Ext:****Party
Involved:****Last Name:** Boyd**Address:** P.O. 180278**City:** Boston**Zip Code:** 02118**Telephone:****Role:** Plaintiff**First Name:** Grant**Address:****State:** MA**Zip Ext:** 0278

Attorneys Involved

No Attorneys found for Docket: PLCV2005-00310.

There are currently no attorneys associated with this case.

Calendar Events

No Calendar Events found for Docket: PLCV2005-00310.

There are currently no calendar events associated with this case.

Full Docket Entries

31 Docket Entries for Docket: PLCV2005-00310

Entry Date:	Paper No:	Docket Entry:
03/16/2005	1	Complaint & civil action cover sheet filed
03/16/2005		Origin 1, Type E99, Track X.
03/16/2005		Administrative Directive 92-1, 14 summons, affidavit of indigency
03/16/2005		mailed to plttf
03/16/2005	2	Plttf Grant Boyd's MOTION for the court to deduct all fees from
03/16/2005	2	inmate account
03/16/2005	3	Plttf Grant Boyd's MOTION for service by regular first class mail
03/21/2005	4	Affidavit of Indigency
03/21/2005	5	Plttf Grant Boyd's MOTION to compel deft Joseph MacDonald to produce
03/21/2005	5	names
03/21/2005	6	Plttf Grant Boyd's MOTION to compel U.S. Marshals Service to produce
03/21/2005	6	name and title of John Doe #5
03/21/2005	7	Plttf Grant Boyd's MOTION to compel deft Joseph MacDonald to produce
03/21/2005	7	information
03/24/2005	8	MOTION (P#5) No action pending service of complaint by plaintiff upon
03/24/2005	8	defendants (Thomas A. Connors, Justice). Notices mailed March 24, 2005
03/24/2005	9	MOTION (P#6) No action pending service of complaint by plaintiff upon
03/24/2005	9	defendants (Thomas A. Connors, Justice). Notices mailed March 24, 2005
03/24/2005	10	MOTION (P#7) No action pending service of complaint by plaintiff upon
03/24/2005	10	defendants (Thomas A. Connors, Justice). Notices mailed March 24, 2005
03/24/2005	11	Notice of Waiver of Court costs and Request for Payment to be
03/24/2005	11	withdrawn from plaintiff's account pursuant to M G L c 261, s. 19 the
03/24/2005	11	plaintiff is incapable of paying the filing fee and may proceed in
03/24/2005	11	forma pauperis (Thomas A. Connors, Justice) Notices mailed March 24,
03/24/2005	11	2005
03/28/2005	12	Plttf Grant Boyd's MOTION for relief
03/29/2005	13	MOTION (P#12) No action pending service of complaint by plttf upon
03/29/2005	13	defts (Thomas A. Connors, Justice). Notices mailed March 29, 2005
04/07/2005	14	Plttf Grant Boyd's MOTION for service by regular 1st class mail
04/07/2005	15	Plttf Grant Boyd's MOTION to transfer plttf back to PCCF
04/07/2005	16	Plttf Grant Boyd's MOTION for Temporary Restraining Order

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

GRANT BOYD

DEFENDANTS

MIKE AUSTIN, Plymouth County Sheriff's Department, et al.
SEE ATTACHED SHEET

(b) County of Residence of First Listed Plaintiff **SUFFOLK**

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed **PLYMOUTH**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney'S (Firm Name, Address, and Telephone Number)

pro se - P. O. Box 180278
Boston, MA 02118-0278

Attorneys (If Known)

Eugenia M. Carris, AUSA -
Attorney for Federal Defendant-U.S. Marshals Service
1 Courthouse Way-Suite 9200, Boston, MA 02210
(617) 748-3282

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PL | DEF | | PL | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
195 Contract Product Liability		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes
				<input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgement

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 USC 1346; 28 USC 2679(d) - pro se prisoner seeking misc. reliefs re: state/federal policies governing prisons; violations of his civil rights.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

04-28-2005

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Re: Grant Boyd v. Mike Austin, et al.

Page Two

State Defendants

Plymouth County Sheriff's Department Headquarters
24 Long Pond Road
Plymouth, MA 02360

Mike Austin
John Doe (#1) - known as Richard Cardinal
Cathy Lynch
Thomas Hannon
John Doe (#2)
Michael Neri
Brian Gillen
John Doe (#3)
Joseph McDonald

Comm of Mass - Department of Correction
Headquarters
50 Maple Street, Suite 3
Milford, MA 01757-3698

Edward O'Donnell - Bridgewater, MA
Rhiana Kohl - West Concord, MA
Kathleen Dennehy - Milford, MA

Federal Defendants:

United States Marshals Service

John Doe (#4)
Anthony Dichio - Boston, MA

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Grant Boyd v. Mike Austin, et al.

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

 I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT. X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891. IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900. V. 150, 152, 153.

5-10873RWZ

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES ☐ NO ☒

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES ☐ NO ☒

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES ☐ NO ☐

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES ☐ NO ☒7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).YES ☒ NO ☐A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?EASTERN DIVISION ☒ CENTRAL DIVISION ☐ WESTERN DIVISION ☐

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION ☐ CENTRAL DIVISION ☐ WESTERN DIVISION ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Eugenia M. Carris, Assistant U.S. AttorneyADDRESS U.S. Attorney's Office, 1 Courthouse Way, Suite 9200, Boston, MA 02210TELEPHONE NO. (617) 748-3282

(CATEGORY SHEET Pg2.wpd - 11/27/00)